IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 2680 of 2005
To
FIRST APPEAL No. 2690 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SPECIALLAQOFFICER & 1 - Appellant(s)

Versus

HEIRSOFDECD.ADMN.OFDECD.MATHURBHAIMANORBHAI & 1 - Defendant(s)

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Appearance :
MR AD OZA, GOVERNMENT PLEADER for Appellant(s) : 1 - 2.
MR TRILOK PATEL for Respondent No.1
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CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 03/10/2005

COMMON ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1. Admit. Mr. Trilok J. Patel, learned counsel appears

for the respondent no.1 and waives service of process of admission. In view of the order proposed to be passed, it is not necessary to issue notice to the respondent no.2.

2. The facts, not in dispute are that the land of village Simli were acquired and while making an award, the learned court below had relied upon the award which was made in relation to the land of village Kukas. The award made in relation to the land of village Kukas has been set aside by this Court and consequently, certain other awards made in relation to the land of village Simli have also been set aside by us in First Appeal Nos. 1535/05 to 1547/05 and First Appeal Nos. 2538/05 to 2543/05.

3. As the facts are similar and the contentions are also not different, we allow these appeals and remit the matters to the learned trial court.

4. Taking into consideration the totality of the circumstances, we hereby direct the learned Court below to provide proper opportunities to the parties to produce the documentary evidence and lead oral evidence in support of their contentions.

5. As the acquisitions are of the year 1988, we request the learned trial court to dispose of the matters expeditiously, preferably within six months from the date of appearance of the parties.

6. The parties present in this Court shall appear before the learned trial Judge on 21st October, 2005. Let a copy of this order be also sent from the Court side to the learned Court below, enabling it to understand as to what is to be done by the Court.

It is expected of the parties that they shall cooperate in the trial so that the matters are disposed of at their earliest.

[**R.S.Garg, J.**]

[**K.M. Mehta, J.**]

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